

NEW LEGISLATION

June 13, 2022

Temp. No.	Introduced	Committee	Description
A-62	6/13/22	Fin	An ordinance authorizing the Mayor, as Director of Public Safety to enter into a contract or contracts, according to law, for the purchase of turnout gear for use by the Fire Department, and declaring an emergency.
A-63	6/13/22	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Bell Equipment Company to purchase and replace mechanical arms on two automated side loader sanitation trucks, making the necessary appropriations, and declaring an emergency.
A-64	6/13/22	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the installation of a new 12" water main on Akron-Cleveland Road from Wyoga Lake Road to 600 feet north of Geoppert Road in the Boston Township-City of Cuyahoga Falls Joint Economic Development District in Boston Township, and declaring an emergency.

Temp. No.	Introduced	Committee	Description
A-65	6/13/22	PA	An ordinance amending Ordinance 131-2021 to hire an additional Secretary I and assign the position to the appropriate pay grade in accordance with the Collective Bargaining Agreement between American Federation of State, County and Municipal Employees Local 2662 and the City of Cuyahoga Falls, and declaring an emergency.
A-66	6/13/22	PA	An ordinance authorizing the Director of Public Service to enter an agreement to establish the Community University Education Purchasing Regional Council of Governments, and declaring an emergency.

CALENDAR
June 13, 2022

The following legislation will be up for passage at the Council Meeting on June 13, 2022.

Temp. No.	Introduced	Committee	Description
A-57	5/23/22	PZ	An ordinance accepting the Planning Commission recommendation for the construction of ten (10) single family attached dwelling units to be constructed within three (3) separate buildings located on property at the southwest corner of Second Street and Wadsworth Avenue, for the Summit Housing Development Corporation, and declaring an emergency.
A-58	5/23/22	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, with a firm or firms, for concrete pavement repairs to various streets, and declaring an emergency.
A-59	5/23/22	PI	A resolution of intent to appropriate certain property along West Portage Trail Extension between State Road and Northampton Road, and declaring an emergency.
A-60	5/23/22	PA	An ordinance amending Chapter 1371 of the City of Cuyahoga Falls Codified Ordinances, relating to the BOCA National Property Maintenance Code, and declaring an emergency.

PENDING LEGISLATION

June 13, 2022

Temp. No.	Introduced	Committee	Description
A-57	5/23/22	PZ	An ordinance accepting the Planning Commission recommendation for the construction of ten (10) single family attached dwelling units to be constructed within three (3) separate buildings located on property at the southwest corner of Second Street and Wadsworth Avenue, for the Summit Housing Development Corporation, and declaring an emergency.
A-18	2/14/22	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts for the replacement of the flat roof on the Municipal Building, located at 2310 2nd Street in the City of Cuyahoga Falls, and declaring an emergency.
A-58	5/23/22	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, with a firm or firms, for concrete pavement repairs to various streets, and declaring an emergency.
A-59	5/23/22	PI	A resolution of intent to appropriate certain property along West Portage Trail Extension between State Road and Northampton Road, and declaring an emergency.

Temp. No.	Introduced	Committee	Description
A-60	5/23/22	PA	An ordinance amending Chapter 1371 of the City of Cuyahoga Falls Codified Ordinances, relating to the BOCA National Property Maintenance Code, and declaring an emergency.
A-61	6/6/22	PA	An ordinance opting out of H.B. 172 and reaffirming the ban on discharging, igniting, or exploding consumer grade 1.4G fireworks in the City of Cuyahoga Falls, except as set forth herein, and declaring an emergency.

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2022

6
7 AN ORDINANCE AUTHORIZING THE MAYOR, AS
8 DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A
9 CONTRACT OR CONTRACTS, ACCORDING TO LAW, FOR
10 THE PURCHASE OF TURNOUT GEAR FOR USE BY THE
11 FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

12
13 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit
14 and State of Ohio, that:

15
16 Section 1. The Mayor, as Director of Public Safety, is hereby authorized to enter into
17 a contract or contracts, according to law, for the purchase of turnout gear for use by the
18 Fire Department.

19
20 Section 2. The Finance Director is hereby authorized to make payment for same from
21 the Capital Projects Fund, line item Capital Outlay.

22
23 Section 3. Any other ordinances and resolutions or portions of ordinances and
24 resolutions inconsistent herewith are hereby repealed, but any ordinances and
25 resolutions or portions of ordinances and resolutions not inconsistent herewith and
26 which have not previously been repealed are hereby ratified and confirmed.

27
28 Section 4. It is found and determined that all formal actions of this Council and
29 concerning and relating to the adoption of this ordinance were adopted in an open
30 meeting of this Council, and that all deliberations of this Council and of its committees
31 that resulted in such formal action, were in meetings open to the public, in compliance
32 with all legal requirements, to the extent applicable, including Chapter 107 of the Codified
33 Ordinances.

34
35 Section 5. This ordinance is hereby declared to be an emergency measure necessary
36 for the preservation of the public peace, health, safety, convenience and welfare of the
37 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the
38 affirmative vote of two-thirds of the members elected or appointed to Council, it shall take
39 effect and be in force immediately upon its passage and approval by the Mayor; otherwise
40 it shall take effect and be in force at the earliest period allowed by law.

41
42
43 Passed: _____

President of Council

44
45
46
47 _____
48 Clerk of Council

49
50
51 Approved: _____

Mayor

52
53 6/13/22

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2022

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO
8 ENTER INTO A CONTRACT OR CONTRACTS, WITHOUT COMPETITIVE
9 BIDDING, WITH BELL EQUIPMENT COMPANY TO PURCHASE AND
10 REPLACE MECHANICAL ARMS ON TWO AUTOMATED SIDE LOADER
11 SANITATION TRUCKS, MAKING THE NECESSARY APPROPRIATIONS, AND
12 DECLARING AN EMERGENCY.

13
14 WHEREAS, these mechanical arms are unique, non-fungible items; and

15
16 WHEREAS, Bell Equipment Company is able to complete this work, provide the necessary items, and
17 deliver the equipment in a timely manner.

18
19 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit,
20 and State of Ohio, that:

21
22 Section 1. The Director of Public Service is authorized to enter into a contract or contracts, without
23 competitive bidding, with Bell Equipment Company to purchase and replace mechanical arms on two
24 automated side loader sanitation trucks.

25
26 Section 2. The Director of Finance is authorized to increase appropriations in the Sanitation Fund, line
27 item Capital Outlay by \$33,660.00 and make payment from same.

28
29 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions inconsistent
30 herewith are hereby repealed, but any ordinances and resolutions or portions of ordinances and resolutions
31 not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

32
33 Section 4. It is found and determined that all formal actions of this Council and concerning and relating
34 to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations
35 of this Council and of its committees that resulted in such formal action, were in meetings open to the public,
36 in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified
37 Ordinances.

38
39 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the preservation
40 of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants
41 thereof, and provided it receives the affirmative vote of two thirds of the members elected or appointed to
42 Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise
43 it shall take effect and be in force at the earliest period allowed by law.

44
45
46 Passed: _____

President of Council

47
48
49
50
51 _____

Clerk of Council

52
53
54 Approved: _____

Mayor

55
56 6/13/22

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2022

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO
8 ENTER INTO A CONTRACT OR CONTRACTS, ACCORDING TO LAW, FOR THE
9 INSTALLATION OF A NEW 12" WATER MAIN ON AKRON-CLEVELAND ROAD
10 FROM WYOGA LAKE ROAD TO 600 FEET NORTH OF GEOPPERT ROAD IN
11 THE BOSTON TOWNSHIP-CITY OF CUYAHOGA FALLS JOINT ECONOMIC
12 DEVELOPMENT DISTRICT IN BOSTON TOWNSHIP, AND DECLARING AN
13 EMERGENCY.

14
15 WHEREAS, on March 1, 2004, the City of Cuyahoga Falls (City) and Boston Township (Township) entered
16 into a joint economic development district (JEDD), authorized by ordinance 158-2003; and

17
18 WHEREAS, the City and Township have identified the need and propose to construct a new water line in
19 the JEDD area.

20
21 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit and
22 State of Ohio:

23
24 Section 1. The Director of Public Service is hereby authorized to enter into a contract or contracts,
25 according to law, for the installation of a new 12" water main on Akron-Cleveland Road from Wyoga Lake Road
26 to 600 feet north of Geoppert Road in the Boston Township-City of Cuyahoga Falls Joint Economic
27 Development District in Boston Township.

28
29 Section 2. The Director of Finance is hereby authorized to make payment for same from the Water Fund,
30 line item Capital Outlay.

31
32 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions inconsistent
33 herewith be and the same are hereby repealed, but any ordinances and resolutions not inconsistent herewith
34 and which have not previously been repealed are hereby ratified and confirmed.

35
36 Section 4. It is found and determined that all formal actions of this Council concerning and relating to the
37 adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this
38 Council and of any of its committees that resulted in such formal action, were in meetings open to the public,
39 in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified
40 Ordinances.

41
42 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the preservation
43 of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants
44 thereof, and provided it receives the affirmative vote of two-thirds of the members elected or appointed to
45 Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise
46 it shall take effect and be in force at the earliest period allowed by law.

47
48
49 Passed: _____

_____ President of Council

50
51
52 _____
53 Clerk of Council

54
55 Approved: _____

_____ Mayor

56
57 6/13/22

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2022

6
7 AN ORDINANCE AMENDING ORDINANCE 131-2021 TO HIRE AN
8 ADDITIONAL SECRETARY I AND ASSIGN THE POSITION TO THE
9 APPROPRIATE PAY GRADE IN ACCORDANCE WITH THE
10 COLLECTIVE BARGAINING AGREEMENT BETWEEN AMERICAN
11 FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
12 LOCAL 2662 AND THE CITY OF CUYAHOGA FALLS, AND
13 DECLARING AN EMERGENCY.

14
15 WHEREAS, the Police Department requires an additional employee to aid in the fulfillment
16 of public records; and

17
18 WHEREAS, the Mayor, as Director of Public Safety, and the Police Chief desire to add an
19 additional Secretary I to the Department.

20
21 NOW, THEREFORE, BE IT ORDAINED, by the City of Cuyahoga Falls, County of Summit and
22 State of Ohio, that:

23
24 Section 1. The position of Secretary I is hereby amended and placed in the American
25 Federation of State, County and Municipal Employees bargaining unit pay grade of A04.

26
27 Section 2. Subject to the sufficiency of annual or supplemental appropriations for personal
28 services in the Police Department, the Police Department shall be composed of the following
29 officers and other personnel (new text double underlined; deleted text in ~~strikethrough~~):

30
31 Officers:

- 32 1 Chief
- 33 2 Captains
- 34 4 Lieutenants
- 35 10 Sergeants
- 36 57 Patrol Officers

37
38 Other Personnel:

- 39 1 Secretary II
- 40 ~~2~~ 3 Secretary I
- 41 1 Juvenile Diversion Caseworker

42
43 This section shall not limit the Police Chief from hiring additional personnel in the Police
44 Department to replace anticipated vacancies where such vacancy is known and such overlap
45 does not exceed thirty (30) days.

46
47 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions
48 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
49 herewith and which have not previously been repealed are hereby ratified and confirmed.

50
51 Section 4. It is found and determined that all formal actions of this Council concerning and
52 relating to the adoption of this ordinance/resolution were adopted in an open meeting of this
53 Council and that all deliberations of this Council and of any of its committees that resulted in
54 such formal action were in meetings open to the public, in compliance with all legal requirements,
55 to the extent applicable, including Chapter 107 of the Codified Ordinances.

56 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
57 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
58 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of
59 the members elected or appointed to Council, it shall take effect and be in force immediately
60 upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the
61 earliest period allowed by law.

62
63

64 Passed: _____
65 _____
66 President of Council

67
68 _____
69 Clerk of Council

70
71
72 Approved: _____
73 _____
74 Mayor

75 6/13/22
76 \\CF-FILE01\ldpublic\Council\2022ords\06-13-22\Police Department Composition -
Secretary 2022.docx

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2022

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SERVICE TO ENTER AN AGREEMENT TO ESTABLISH THE
9 COMMUNITY UNIVERSITY EDUCATION PURCHASING
10 REGIONAL COUNCIL OF GOVERNMENTS, AND
11 DECLARING AN EMERGENCY.
12

13 WHEREAS, the City of Cuyahoga Falls has been a member of the Community
14 University Education Purchasing Cooperative (CUE) for the purpose of participating in
15 a pooled purchasing program with other local governments in order to obtain cost
16 savings on goods and materials; and
17

18 WHEREAS, the Executive Committee of CUE has recommended to CUE members
19 that the cooperative be reorganized as a regional council of governments under Ohio
20 R.C. Chapter 167 in order to modernize the organization and to provide legal structure
21 provided to council of governments under Chapter 167; and
22

23 WHEREAS, pursuant to Ohio R.C. 167.01, the governing bodies of any two or more
24 counties, municipal corporations, townships, special districts, or other political
25 subdivisions may enter into an agreement with each other for the establishment of a
26 regional council consisting of such governmental units; and
27

28 WHEREAS, the City desires to establish and join a regional council of governments
29 to modernize and replace CUE for the purposes of obtaining quality merchandise,
30 materials and services at lower cost through pooled purchasing and competitive bidding;
31 and
32

33 WHEREAS, the City desires enter into an agreement to establish the Community
34 Education Purchasing Regional Council of Governments (CUE COG) as a regional
35 council of governments under Chapter 167, which agreement is in the form attached
36 hereto as Exhibit A.
37

38 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
39 Falls, County of Summit, and State of Ohio, that:
40

41 Section 1. The Director of Public Service is authorized to enter into an agreement, by
42 and on behalf of the City, in the form attached hereto as Exhibit A, to establish the
43 Community Education Purchasing Regional Council of Governments (CUE COG) in
44 accordance with Ohio R.C. Chapter 167.
45

46 Section 2. Upon the executed of the Agreement by all parties, the City shall become
47 a Member of the CUE COG.

48 Section 3. That the following individuals shall be designated as the initial
49 Representative and Alternate as defined in the agreement:

- 50
- 51 • Director of Public Service Representative
- 52 • Deputy Director of Public Service Alternate
- 53

54 Section 4. It is found and determined that all formal actions of this Council
55 concerning and relating to the acceptance of this resolution were adopted in an open
56 meeting of this Council, and that all deliberations of this Council and of any of its
57 committees that resulted in such formal action, were in meetings open to the public, in
58 compliance with all legal requirements, to the extent applicable, including Chapter 107
59 of the Codified Ordinances.

60

61 Section 5. This ordinance is hereby declared to be an emergency measure necessary
62 for the preservation of the public peace, health, safety, convenience and welfare of the
63 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the
64 affirmative vote of two-thirds of the members elected or appointed to Council, it shall
65 take effect and be in force immediately upon its passage and approval by the Mayor;
66 otherwise it shall take effect and be in force at the earliest period allowed by law.

67

68

69

70 Passed: _____

71 _____
72 President of Council

73

74 _____

75 Clerk of Council

76

77

78 Approved: _____

79 _____
80 Mayor

81 6/13/22
82 \\CF-FILE01\ldpublic\Council\2022ords\06-13-22\Establishing the Community
University Education COG.docx

**AGREEMENT ESTABLISHING THE COMMUNITY UNIVERSITY EDUCATION
PURCHASING REGIONAL COUNCIL OF GOVERNMENTS**

among

COPLEY TOWNSHIP

and

CITY OF GREEN

and

CITY OF AKRON

and

VILLAGE OF BOSTON HEIGHTS

and

CITY OF HUDSON

and

CITY OF KENT

and

CITY OF CUYAHOGA FALLS

Dated as of _____, 2022

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**AGREEMENT ESTABLISHING THE COMMUNITY UNIVERSITY EDUCATION
PURCHASING REGIONAL COUNCIL OF GOVERNMENTS**

This **AGREEMENT ESTABLISHING THE COMMUNITY UNIVERSITY EDUCATION PURCHASING REGIONAL COUNCIL OF GOVERNMENTS** (this “Agreement”) is entered into among COPLEY TOWNSHIP, a township duly organized and validly existing under the laws of the State of Ohio (“Copley”), CITY OF GREEN, a municipal corporation duly organized and validly existing under the laws of the State of Ohio (“Green”), City of Akron, a municipal corporation duly organized and validly existing under the laws of the State of Ohio (“Akron”), VILLAGE OF BOSTON HEIGHTS, a municipal corporation duly organized and validly existing under the laws of the State of Ohio (“Boston Heights”), CITY OF HUDSON, a municipal corporation duly organized and validly existing under the laws of the State of Ohio (“Hudson”), CITY OF KENT, a municipal corporation duly organized and validly existing under the laws of the State of Ohio (“Kent”) and CITY OF CUYAHOGA FALLS, a municipal corporation duly organized and validly existing under the laws of the State of Ohio (“Cuyahoga Falls”) under the circumstances described below:

A. Pursuant to Section 167.01 of the Revised Code, the governing bodies of any two or more counties, municipal corporations, townships, special districts, or other political subdivisions may enter into an agreement with each other for the establishment of a regional council consisting of such governmental units.

B. Copley, Green and Akron (collectively, the “Cooperative Parties”) desire to enter into this Agreement to establish a regional council of governments for the purposes of obtaining quality merchandise, materials and services at lower cost through pooled purchasing and competitive bidding.

NOW, THEREFORE, IN CONSIDERATION of the mutual agreements contained herein, and for other good and valuable consideration, the receipt of which is acknowledged, the Cooperative Parties hereto agree and bind themselves as follows.

ARTICLE I.
DEFINITIONS

Section 1.1. Use of Defined Terms. In addition to the words and terms elsewhere defined in this Agreement, each capitalized word or term used herein shall have the following meaning, unless the context or use indicates another or different meaning or intent, and those definitions shall be equally applicable to both the singular and plural forms of any of the words and terms so defined:

“Act” means Chapter 167 of the Revised Code, as enacted and amended.

“Agreement” means this Agreement Establishing the Community University Education Purchasing Regional Council of Governments, as amended or supplemented from time to time.

“Bylaws” means the Bylaws of the Council adopted by the Governing Board of the Council pursuant to Section 167.04 of the Act and Section 6.2 of this Agreement.

“Cooperative Parties” means collectively, Copley, Green, Akron, Boston Heights, Hudson, Kent and Cuyahoga Falls.

“Council” or means the Community University Education Purchasing Regional Council of Governments.

“CUE” means the Council.

“Governing Board” means the Governing Board of the Council established in Section 3.1 of this Agreement.

“Legislative Authority” means, as applicable, the council, board of trustees, board of directors or any other board or council acting as a legislative authority of a Member.

“Member” means municipal corporations, townships, counties, universities, colleges, special districts, or other political subdivisions admitted to membership to the Council in accordance with this Agreement and the Bylaws, initially the Cooperative Parties.

“Representative” means the representative of the Member appointed pursuant to Section 3.1 of this Agreement.

(End of Article I)

ARTICLE II.
MEMBERSHIP AND REPRESENTATION

Section 2.1. Council. Pursuant to the Chapter 167 of the Act and this Agreement, the Cooperative Parties hereby establish a regional council of governments, which shall be known as the Community University Education Purchasing Regional Council of Governments (the “Council” or “CUE”). Members of the Council shall include the Cooperative Parties and any other political subdivision admitted as a Member pursuant to the terms of this Agreement or the Bylaws (an “Additional Member”).

Section 2.2. Rights of Members. Except for the rights specifically granted to Members as Reserved Powers, the sole right of the Members shall be to appoint and remove its Representatives to the Governing Board in accordance with the Bylaws. The Members hereby authorize the Governing Board to exercise all of the rights and privileges of the Members regarding management and operation of the Council.

Section 2.3. Reserved Powers. The following powers (the “Reserved Powers”) shall be effective only upon the approval of the Legislative Authority of all of the Members:

- (a) Adopting or amending this Agreement.
- (b) Approving any merger, consolidation or reorganization of the Council.
- (c) Terminating the Council

Section 2.4. Withdrawal of Members. Any Member may withdraw from the Council by formal action of the Legislative Authority of that Member and upon 30 days notice to the Council after such action. Such withdrawal shall be effective no more than 90 days after notice of such withdrawal is received by the Council, such effective date to be determined by resolution of the Council.

Section 2.5. Liability of Members. The Members shall not be liable for the debts, expenses, liabilities or other obligations of the Council, except to the extent of the Member’s financial contributions to the Council.

Section 2.6. Duration. The Council shall become effective on the date of this Agreement first written above, and its existence shall be perpetual, unless and until the Council is terminated pursuant to this Agreement.

(End of Article II)

ARTICLE III.
MANAGEMENT

Section 3.1. Governing Board. Except as otherwise provided in this Agreement, the powers of the Council shall be exercised by and under the direction of the Governing Board. The Governing Board shall consist of the Representatives of the Members.

Section 3.2. Additional Members. Representation of Additional Members admitted to the Council shall be determined in accordance with the Bylaws. If the Bylaws fail to establish a method for determining such Representative, the Representative of the Additional Member shall be the individual appointed by formal action of the Legislative Authority of the Additional Member.

(End of Article III)

ARTICLE IV.
PURPOSE

: The Purpose of the Council is to obtain quality merchandise, materials and services for its Members at lower cost through pooled purchasing and competitive bidding. In furtherance thereof, the Council shall take the following actions to accomplish its general purposes:

(i) To select items of common use where lower prices may be obtained through pooled purchasing than can be obtained by members acting independently.

(ii) To prepare requests for competitive quotations containing terms, conditions, and specifications for submitting to prospective vendors.

(iii) To prepare conservatively and submit promptly, estimates of quantities of merchandise needs, to the product committees when requested, for use in soliciting quotations. Purchases during an agreement term by any Member shall be no less than those percentages noted in the given agreement for the given commodity purchase in accordance with the bidding documents.

(iv) To cooperate with vendors to hold their costs at a minimum.

(End of Article IV)

ARTICLE V.
POWERS OF THE COUNCIL

Section 5.1. Powers. The Council shall have all of the powers granted to regional council of governments under the Act as amended from time to time, including, but not limited to Section 167.03(A) and (B) of the Act.

Section 5.2. Additional Powers. In addition to the powers described in Section 5.1 of this Agreement, the Council may, by appropriate action of the Legislative Authority of the Members, perform such other functions and duties as are performed or capable of performance by the Members and necessary or desirable for dealing with mutual cooperative bidding or purchasing issues.

Upon approval of the Legislative Authority of each Member of this Agreement, the Council shall have the following additional powers:

- (a) Acquire by purchase, lease, gift, or otherwise, on such terms and in such manner as it considers proper, real and personal property, including any intellectual property rights, or any estate, interest, or right therein.
- (b) Fix, alter, impose, collect and receive service and user fees, rentals, and other charges from Members.
- (c) Employ such employees as may be appropriate in the exercise of the rights, powers and duties conferred upon it, prescribe the duties and compensation for such persons, require bonds to be given by any such persons and by officers of the authority for the faithful performance of their duties, and fix the amount and surety therefor; and pay the same.
- (d) Make and enter into all contracts and agreements and execute all instruments relating to the authorized purposes of the Council.
- (e) Apply for and accept grants, loans or commitments of guarantee or insurance, from the United States, the state, or other public body or other sources, and provide any consideration which may be required in order to obtain such grants, loans or contracts of guarantee or insurance.

Section 5.3. Limitation on Powers. In compliance with Section 167.03(D) of the Revised Code, the powers granted to the Council under this Agreement shall not displace any existing municipal, county, regional, or other planning commission or planning agency in the exercise of its statutory powers.

(End of Article V)

ARTICLE VI.
MEETINGS, VOTING AND PROCEDURES

Section 6.1. Regular Meetings. The Governing Board shall hold a minimum of four meetings annually, one of which shall be designated as the annual meeting (the “Annual Meeting”).

Section 6.2. Bylaws. The manner in which the Governing Board shall act and the procedures used by the Governing Board for the management and conduct of the Council shall be set forth in the Bylaws. The Governing Board shall adopt the Bylaws at the first meeting of the Council. Such Bylaws shall be consistent with this Agreement and shall provide for:

- (a) Notice of meetings to its Members and the general public as required by Section 121.22 of the Revised Code.
- (b) The number of members of the Governing Board necessary to constitute a quorum at any meeting of the Governing Board.
- (c) The nomination, qualification, powers, duties and terms of officers of the Council and the method of selection thereof. The Governing Board shall elect such officers at the Annual Meeting.
- (d) Appointment of a fiscal officer (the “Fiscal Officer”) of the Council, who may hold any other office or employment with the Council. The Fiscal Officer shall receive, deposit, invest and disburse the funds of the Council in the manner authorized by the Bylaws or other appropriate action of the Council. The Fiscal Officer shall also make an annual report of the activities of the Council to the Members in compliance with Section 167.06(C) of the Revised Code.
- (e) A provision requiring the Governing Board to adopt an annual budget.

Section 6.3. Voting. Any vote taken at a meeting of the Governing Board where a quorum is present shall require only a simple majority of the Governing Board present to affirm passage of an issue, resolution or action, except a motion to amend the Bylaws, which shall require a unanimous vote of the full membership of the Governing Board.

(End of Article VI)

ARTICLE VII.
FINANCIAL SUPPORT

Section 7.1. Funding. The Legislative Authority of the Members may appropriate funds to meet the expenses of the Council. Services of personnel, use of equipment, and office space and other necessary services may be accepted from Members as part of their financial support.

Section 7.2. Contributions of Additional Members. Any Member admitted to this Council as an Additional Member shall make a contribution of such funds, grants, gifts or services as approved by the Governing Board.

(End of Article VII)

ARTICLE VIII.
MISCELLANEOUS

Section 8.1. Extent of Agreements; No Personal Liability. All obligations and agreements of the Members of the Council contained in this Agreement are and shall be deemed obligations and agreements of the Members of the Council. No obligation or agreement of any present or future officer, agent or employee of the Members of the Council in other than that person's official capacity. No officer, agent or employee of the Members of the Council shall be subject to personal liability or accountability by reason of this Agreement.

Section 8.2. Binding Effect. This Agreement shall inure to the benefit of the Cooperative Parties and shall be binding upon the Cooperative Parties, subject, however, to the conditions contained herein.

Section 8.3. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument. Signatures delivered by facsimile or electronic means shall be treated as original signatures.

Section 8.4. Governing Law. This Agreement shall be deemed a contract made under the laws of the State of Ohio and for all purposes shall be governed and construed in accordance with the laws of the State of Ohio.

IN WITNESS WHEREOF, the Cooperative Parties have caused this Agreement to be executed in their respective names and capacities by their duly authorized officers, all as of the date first written above.

COPLEY TOWNSHIP

By: _____
Trustee

By: _____
Trustee

By: _____
Trustee

CITY OF GREEN

Approved as to form and correctness:

Director of Law

By: _____
Name: _____
Title: _____

CITY OF AKRON

Approved as to form and correctness:

Director of Law

By: _____
Name: _____
Title: _____

VILLAGE OF BOSTON HEIGHTS

Approved as to form and correctness:

Solicitor

By: _____
Name: _____
Title: _____

CITY OF HUDSON

Approved as to form and correctness:

Director of Law

By: _____
Name: _____
Title: _____

CITY OF KENT

Approved as to form and correctness:

Director of Law

By: _____

Name: _____

Title: _____

CITY OF CUYAHOGA FALLS

Approved as to form and correctness:

Director of Law

By: _____

Name: _____

Title: _____

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